

The Examiner rejected claims 1-4 under 35 U.S.C. § 112, second paragraph. The language objected to by the Examiner no longer appears in the claims. Therefore, the claims comply with 35 U.S.C. § 112, second paragraph, and Applicants respectfully request withdrawal of this rejection.

The Examiner rejected claims 1-4 under 35 U.S.C. § 102(b) as anticipated by U.S. patent 4, 996,510 to Becker et al.

Becker et al. does not disclose the present invention since, among other things, Becker et al. does not disclose a cylindrical varistor body that includes an increased concentration of high-resistance material in a region in the vicinity of the surface of the envelope surface of the varistor body. On the other hand, Becker et al. discloses a varistor body that includes a high-resistance material evenly distributed throughout the varistor body.

The Examiner states that, "Becker et al. discloses a method for making a varistor with a high resistance coating and that the coated body is sintered." However, Becker et al. does not include any support for this statement anywhere in the description, examples, or claims. Becker et al. discloses a method of producing a free flowing powder containing various additives that are easy to press to varistor bodies, are easy to sinter, and result with varistors with desirable properties. Becker et al. utilizes the terms "spraying" and "slurry" in relation to the production of the free flowing powder and not to the application of the high-resistance material to the envelope surface as described in the present application. For example, at col. 6, lines 8-10, Becker et al. describes, "to produce a dry free-flowing metal oxide varistor precursor powder having the

desired properties outlined above."

In view of the above, Becker et al. does not disclose all elements of the present invention as recited in newly presented claims 5-8. Since Becker et al. does not disclose all elements of the present invention as recited in newly presented claims 5-8, the present invention, as recited in newly presented claims 5-8, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

In view of the above, the reference relied upon in the office action does not disclose patentable features of the present invention. Therefore, the reference relied upon in the office action does not anticipate the present invention. Accordingly, Applicants respectfully request withdrawal of the rejection based upon the cited reference.

In conclusion, Applicants respectfully request favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would facilitate the prosecution of this case, Applicants urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned hereby authorizes the Commissioner to charge any insufficient fees or credit any overpayment associated with this communication to Deposit Account No. 19-5127, 19387.0003.

Respectfully submitted,

Date: 11-12-02

  
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